

Palestinian Liberation Organization
Palestinian National Authority
Cabinet Office

20/1/2000

Mister Ahmed Qrei' "Abu Ala"
Speaker of the Legislative Council

Greetings,

Attached are the Public Health Draft Law and its explanatory note prepared by the Ministry of Justice's diwan al-fatwa wa al tashri, in its legal form.

Please place it on the agenda of the Legislative Council for deliberation and ratification in accordance to the norms in order to present it to the President for endorsement.

With best regards,

Secretary General of the Ministerial Council
Ahmed Abdul Rahman

Palestinian National Authority
Ministry of Justice
DIWAN AL FATWA WA AL TASHRI

Date: 19 January 2000

Explanatory Note on the Public Health Draft Law

Pursuant to a memorandum by his Excellency Dr. Riad Zanoun, the Minister of Health, requesting the Diwan to prepare the Public Health Draft Law, the Diwan has formed a committee composed of :

- | | |
|----------------------------|--|
| 1. Mr. Suleiman Al-Dahdouh | Consultant at the diwan al fatwa wa al tashri |
| 2. Mr. Mohamed Juneineh | Assistant consultant at the diwan al fatwa wa al tashri |
| 3. Ms. Olfat al-Shawwa | Senior legal researcher at the diwan al fatwa wa al tashri |
| 4. Mr. Yasser al-Alami | Legal advisor at the Ministry of Health |

This committee was formed to prepare this draft law and to set it in its appropriate legal form.

Immediately after its formation, the committee has met regularly in order to render the draft law comprehensive in all its legal and technical aspects, and in due time.

While preparing the draft law, the committee has considered all health legislation in force in Palestine as well as in the other Arab countries. After their review, it became evident to the committee that the health legislation, in force in Palestine, which includes the Public Health Law Number 40 for the Year 1940 and the regulations issued according to it, and Public Health Law Number 43 for the Year 1966 and the regulations issued according to it, and the Health Quarantine Law Number 19 for the Year 1922, and the regulations issued according to it, is neither appropriate nor consistent with the development that has taken place, and is occurring all over the world regarding current diseases and developed technology used in combating and treating those diseases. As such, the committee has found it essential to formulate a draft that could parallel this development both with respect to diseases and their treatment, as well as concerning the manner by which curative institutions are administered and regulated.

Moreover, the committee, in compliance with the principle of legislative standardization, feels that a public health law applied in both parts of the country shall greatly assist in the efforts of standardizing legal legislation in the country, which the diwan al fatwa wa al tashri has exerted all efforts to standardize since its establishment.

The draft law contains fourteen chapters and 128 articles organized as follows:

Chapter One: Definitions and General Provisions	From Article (1) until Article (6)
Chapter Two: Mother and Child Care	From Article (7) until Article (22)
Chapter Three: Combating Infectious Diseases and Epidemics	From Article (23) until Article (34)
Chapter Four: Quarantine	From Article (35) until Article (37)
Chapter Five: Health Hazards and Environmental Health	From Article (38) until Article (44)
Chapter Six: Occupational Health	From Article (45) until Article (51)
Chapter Seven: Health Education	From Article (52) until Article (57)
Chapter Eight: Food Safety	From Article (58) until Article (72)
Chapter Nine: Hospitals, Clinics, and Health Centers	From Article (73) until Article (91)
Chapter Ten: Medical and Auxiliary Professions	From Article (92) until Article (101)
Chapter Eleven: Medications and Drugs	From Article (102) until Article (109)
Chapter Twelve: Burial of the Deceased	From Article (110) until Article (115)
Chapter Thirteen: Penalties	From Article (116) until Article (121)
Chapter Fourteen: Concluding Provisions	From Article (122) until Article (128)

After the committee finished drafting the first draft of the law, the Diwan distributed it to all ministries and concerned bodies for their opinion and remarks. In addition, the Ministry of Health has conducted several workshops for all specialist physicians and staff of the various departments

of the Ministry in order to study, discuss and present their views on the draft law.

Indeed, the committee received several remarks and opinions about the draft law from the ministries and the concerned bodies. The committee examined them, whether they were additions or cancellations or amendments to some articles of the draft, and it adopted what it felt was necessary for the draft law to come out in its comprehensive and appropriate legal form which is attached herewith to this explanatory note.

It is the hope of the Diwan that it has accomplished the set objectives by preparing this draft law.

Ibrahim al-Daghmah

Director of the Diwan al fatwa wa al tashri

Draft Law of Public Health Number () for the Year 2000

The Chairman of the Executive Committee of the Palestine Liberation Organization

The President of the Palestinian National Authority

After reviewing Public Health law Number (40) for the year 1940 and the regulations promulgated according to it, which are in force in the Gaza Strip districts;

And Public Health Law Number (43) for the Year 1966, which is in force in the West Bank districts;

And the Quarantine Law Number 19 for the Year 1922 and its amendments and regulations issued according to it, which are in force in Palestine;

And the draft Law presented by the Council of Ministers,

And after the approval of the Legislative Council;

We hereby promulgate the following Law:

Chapter One

Definitions and General Provisions

Article One:

The following terms stated in this law shall have the following meanings, unless stipulated otherwise:

- **The Authority:** The Palestinian National Authority
- **The Ministry:** The Ministry of Health
- **The Minister:** The Health Minister
- **Director General:** The Director General of the Ministry of Health
- **Director:** The Director General of the Ministry of Health
- **The Competent Health Body:** The Primary Health Care Administration
- **The Child:** Any human which has not yet reached the age of eighteen
- **Infectious Disease:** Any disease that may spread to other humans by a human or through animals, insects, or foods, or places or from other things and materials susceptible to be infected with infectious diseases.
- **Epidemic:** The spread or potential spread of an infectious disease in a city or village or area, or in an area close to this city, village, or area, in a manner that may pose a threat or danger to public health.
- **The Infected Person:** The individual infected by an infectious disease, or who has a known disease.

- **The Suspected:** The individual who might be suspected of carrying the causes of an infectious disease as suggested by his medical records or due to the symptoms appearing on him.
- **The Companion:** Any individual who interacts with another infected individual or an individual suspected of having an infectious disease.
- **Quarantine:** The isolation of any individual infected by an infectious disease, or suspected of being infected by an infectious disease in special areas and under special circumstances in order to prevent the direct or indirect spread of the causes of that disease to other individuals.
- **Disinfection:** To eradicate the causes of diseases by chemical or physical or other means.
- **The Physician:** Any medical doctor licensed to practice the medical profession in pursuance with the Law.
- **The Responsible Person:** Any natural or judicial person responsible for notification about births or deaths as well as emergency cases, infectious diseases, natural disasters or others once they occur.
- **Foodstuff:** Any material used by humans for eating or drinking or chewing, or any other material used in the preparation of human foodstuff including spices, pickles, nuts, sweets, and chewing gum.
- **Food Handling:** Any phase or stage of the food preparation, or production, or packaging, or importing, or exporting, or transporting, or storing, or selling, or exhibiting, or possessing.
- **Utensils:** Any tools or equipment used in the preparation or manufacturing or handling of foodstuffs.
- **Containers:** Any container or packaging or wrap, regardless of form or structure, in which food is packed, as well as the material used to tie or close that container.
- **Specifications:** The standards, specifications, requirements, information, and technical and health explanations and observations stipulated by locally enforced legislations.
- **Unhealthy Conditions:** Conditions, cases, or factors that may lead to the contamination of food by radioactive material, pesticides, waste, dirt, or other

peculiar material that could render food harmful to or dangerous to human health, or which are not suitable for human consumption.

- **Cheating (fraud):** Any alteration in the food product itself, or removal of any of its elements, or addition of any element, or the mixing with other substances in a manner contrary to the approved specifications and standards, or through any other means that will change its nature.
- **Special Foods:** Such as weight-loss foods, baby food, food for diabetics and other dietary foods.
- **Information Label:** Any descriptive information written in any form, whether attached or detached from foodstuffs and food containers, used for the purpose of identifying it.
- **Hospital:** Any government or non-government place licensed by the Ministry of Health to receive patients and to provide them with medical treatment in any form with charge or free of charge.
- **The Curing (remedial) Institution:** Any hospital, clinic, health center, infirmary, or any other place licensed by the Ministry of Health to receive and treat patients.
- **The Specialized Health Office:** The health center of the citizens belonging to it, or the epidemiological department in the Preventive Health Administration for those citizens who do not belong to any health center.
- **Death:** The complete and permanent cessation of organic functions after any period of living. This does not include stillbirths.
- **Ship:** Any steam boat, or vessel, or ship or any other maritime transportation means.
- **Real Estate:** Land and building.
- **Land:** Ground and whatever on it, including water, canals, wells, and holes.
- **The Construction:** Any house, or commercial store, or building erected on a piece of land, regardless of whether it is resided by individuals or not. It also includes any part or attachment to the construction.
- **Population Concentration:** Any concentration of people who do not belong to any municipal, local, or village councils.
- **Factory:** Any factory or workshop or any other working place.

- **Establishment:** Any project owned or operated by a natural or judicial person.
- **Transportation Means:** Any kind of airplanes or any form of transportation means that rely on wheels or which is pulled either mechanically or by animals.
- **Waste:** Liquid and solid waste and refuse left by individuals, or households, or commercial stores, or by public and private institutions, or by restaurants, or factories, or by others.
- **Sewage Network:** The network in which wastewater, sewage, and waste pass through, as well as all cesspools, pumping stations, and such like.
- **Medical and Auxiliary Health Professions:** The practice of the medical profession, dentistry, pharmacology, medical laboratories, ophthalmology, nursing, x-ray, physiotherapy, radiology, fitness, and any other medical profession approved by the Ministry of Health.
- **Medical Charter:** An official collection that includes all biological, chemical, pharmaceutical, and physical specifications, and whatsoever emanates from it in the process of treatment and prevention of diseases in humans, animals, or plants.
- **Medication and Drugs:**
 1. The material acknowledged by the official medical charter (English, or French, or American), or;
 2. Any material used to diagnose, or cure, or treat, or help or prevent any human or animal disease; or
 3. Any non-food material intended to impact the human body or an animal with respect to environment or functions;
 4. Any material used as part of the materials stipulated in paragraphs (1,2,3) of this definition.
- **Label:** Any written, printed, or photographed information directly affixed on a medical or food material, or on a package or container containing this material, or attached to it or packaged with it.

Article Two:

Mother and child health care shall be regarded as an integral part of the developmental strategy of the Palestinian National Authority.

Article Three:

The Ministry shall facilitate to all married couples the opportunity to obtain all information pertaining to **adequate** family planning and to the advantages of birth spacing, avoidance **of early, multiple, and consecutive pregnancy**.

Article Four:

For the purpose of implementing the provisions of this Law, the Ministry of Health shall be provided with the following jurisdictions:

1. To monitor health issues and curative and preventive services in the Palestinian territories.
2. To disseminate health awareness by the available means and to work on combating diseases and prevent this spread.
3. To provide health insurance to citizens as possible.
4. To monitor and supervise hospitals, rest homes, nursing homes, and any other place used or prepared to receive individuals infected with any disease, or bodily injuries, or mental handicap, as well as maternity homes, whether free of charge or not.
5. The Ministry shall guarantee child protection and the necessary child primary health care, with consideration given to the obligation of their parents or guardians, or other individuals legally responsible for them.
6. To consider the international laws and conventions pertaining to quarantine in the Palestinian territories in order to avoid the spread of epidemics to it.
7. To consider legislations pertaining to general hygiene and environmental protection.

8. To give approval to vendors, businesses, industries, and craft owners, and sellers of food material to practice their business with consideration to the laws and regulations in force.
9. To license medical professions and establishments in accordance with the set laws and regulations.
10. To monitor medical drugs and their safety.
11. To participate along with other competent bodies to monitor the specified locations for garbage collection.
12. To inspect and monitor drinking water with respect to its adequacy for human consumption, in coordination with the competent bodies.
13. To supervise the activities to combat the insects and animals carrying diseases.

Article Five:

In order to exercise the jurisdiction referred to in the previous article, the Ministry shall be entitled to the following:

1. To establish hospitals and various curative homes in coordination with the competent bodies.
2. To solicit the assistance of the media in the country to disseminate information about health awareness and health education.
3. To vaccinate and immunize citizens against epidemics and infectious diseases.
4. To set various health insurance regulations and to specify their fees.
5. To inspect hospitals and nursing and other curative homes by designated inspectors.
6. To establish and administer health para-professional educational institutions on all their levels and degrees, and to set their curricula, appoint the teaching staff, and issue certificates for their graduates in coordination with the relevant bodies.
7. To recommend legislation pertaining to public health.
8. To approve the issuance of licenses for perfumeries and cosmetics pursuant to the laws and regulations in practice.

Article Six:

The officials shall be committed to inform the Ministry about all information related to deliveries, deaths, cases of infectious diseases, and natural disasters once they occur.

Chapter Two

Mother and Child Care

Article Seven:

Mothers' health, nutrition, and education shall be deemed vital issues to maintain women within the framework of rights enjoyed by them, and to safeguard the health and prosperity of children during early childhood.

Article Eight:

The Ministry shall work on eradicating infectious diseases that infected children and shall improve the quality of life for the next generations.

Article Nine:

The ministry shall guarantee the provision of drugs necessary for the treatment of child illnesses, and to take all the necessary and appropriate measures to combat these illnesses by strengthening primary health care and the basic health services.

Article Ten:

The Ministry shall exert all efforts to protect children against various infectious diseases and epidemics.

Article Eleven:

The Ministry shall care for pregnant women during pregnancy and breastfeeding, and shall protect and support natural breastfeeding as well as the supplementary breastfeeding means.

Article Twelve:

The Ministry shall monitor child growth through the appropriate follow-up means and by monitoring nutrition.

Article Thirteen:

The Ministry shall participate in strengthening the status of women and in providing them with equal opportunities in education, training, developmental and guidance services.

Article Fourteen:

The Ministry shall make the family aware of childcare and protection during his/her growth so as to provide the child with comprehensive and adequate growth and development.

Article Fifteen:

The Ministry shall take the responsibility over the diagnostic, preventive, and curative activities pertaining to mother and child health.

Article Sixteen:

The Ministry shall visit mothers of newly born and pregnant women in their homes and shall advise them on child caring and instruct them about child feeding, food preparation, and sterilization.

Article Seventeen:

The Ministry shall recommend health education and health awareness curricula to citizens in accordance to their age and their environment and shall supervise the implementation of these curricula.

Article Eighteen:

The Ministry shall coordinate with the Ministry of Education to integrate public health education in school programs, and to set the curricula.

Article Nineteen:

1. The father of every newly born child, or his guardian, or the designated individual must vaccinate the child in accordance with the schedule and instructions specified by the Ministry of Health. Failure to do so, or to vaccinate the child within a period of six months since birth will render that person legally responsible before the law.
2. Follow-ups to the vaccination and immunization centers are obligatory. No justification on the grounds of ignorance about immunization shall be accepted from the father or from the legal guardian.

Article Twenty:

The Minister may order re-immunization and re-vaccination in periods specified in a notice distributed to the various media.

Article Twenty-One:

In addition to the powers delegated to the Minister in the previous article, the Minister is empowered to require, through the various media, immunization or vaccination in any area specified by him against the spread of an infectious disease, or against any other disease that may generate risk to public health.

Article Twenty-Two :

No fees or charges shall be collected in return for vaccination or immunization carried out by officials from the Ministry of Health, except for vaccination for pilgrims, or for any other vaccination stipulated by a ministerial decision.

Chapter Three
Combating Infectious Diseases and Epidemics

Article Twenty-Three:

The Ministry of Health shall take the responsibility of combating infectious diseases and epidemics, and all other matters related to them and to the improvement of these efforts, and to monitor all activities related to prevention and fight against such diseases.

Article Twenty-Four:

If a person is infected with an epidemic, the Ministry shall take all the necessary and precautionary measures to stop the spread of the disease including inspection, supervision, and monitoring of private and public water resources, and shall strengthen its supervision over food material, such as agricultural produce, that might carry the disease.

Article Twenty-Five:

It is not permissible to use any contagious material or places. It is also forbidden to allow these places and materials to be used or utilized by others.

Article Twenty-Six:

Any individual infected with a contagious disease shall be quarantined, if necessary, in the manner decided upon by the official or the responsible physician, in order to prevent others from being infected with that disease.

Article Twenty-Seven:

If a communicable disease has spread in a city, or village, or area in an epidemic form, or if it has the potential to become an epidemic, or if the Minister has found that in the vicinity of this city, or village, or area, there is a threat of a contagious disease that is potentially hazardous, it is permissible for him to take all the necessary measures that he deems appropriate, to contain the spread of the disease, and to inform all citizens to take all precautions in the effort at curtailing this epidemic. It is also permissible for the Minister to impose precautionary immunization on the residents of that area.

Article Twenty-Eight:

The Official or the responsible physician is empowered to take the following measures in case an infectious disease has struck any of the Palestinian areas.

1. Conduct a house-to-house inspection.
2. Provide assistance, dispense medication, prepare accommodation, promote cleanliness, and disinfect residences to avoid the spread of the disease.
3. Any other activities that he sees wise to implement in order to prevent the disease or to lessen its impact. These include the following:
 - a. Transfer the infected or the suspected individuals under medical supervision and inspect and treat them free of charge.
 - b. Vaccinate all individuals close to the infected or the suspected individuals.

- c. Enter and inspect all private and public places to ensure that no infected individuals or individuals suspected of having the disease are present in order to prevent the spread of the disease.
- d. Enter all restaurants and food shops and inspect the staff as well as take samples to check and prevent the source of contamination. It is permissible for the Director to order the temporary closure of such places for a period he deems necessary to avoid any damages.
- e. Confiscate and destroy all material contaminated with the disease, or exposed and vulnerable to the disease, in coordination with the competent bodies.
- f. To bury the dead or dispose of their bodies in the manner they deem fit.

Article Twenty-nine:

If an individual is infected with or suspected of one of the infectious diseases specified by the Ministry of Health, a notification should be made immediately and in the fastest manner to the closest health clinic or hospital in pursuance with the provisions of this Law, and in accordance with the regulations and rules implementing it. The health clinic or the hospital should notify the appropriate health authority with that.

Article Thirty:

The notification stipulated in the previous article is the responsibility of the physician that examined the patient who is infected or suspected of being infected with an infectious disease, as well as the responsibility of the head of the household or whomsoever is keeping him, and on the university or college president, or the school principal, or the immediate head of that infected or suspected individual if the injury occurred, or suspected to have occurred, during work hours.

Article Thirty-One:

Upon notification of an infected case or a case suspected of being infected with an infectious disease, or if an infectious disease is discovered or suspected, the competent health body should take all measures it deems necessary to prevent its spread.

Article Thirty-Two:

It is permissible for the competent health body to isolate the infected individual or the individual suspected of being infected with one of the infectious diseases in a hospital or any place determined by it and for the period it specifies, or to submit him and those whom he come in contact with, to medical supervision in accordance with the instructions used by the Ministry of Health to combat infectious diseases. It is also permissible for it, either due to the nature of work of those under medical inspection or because they refused to fulfill the pertinent measures, to decide on replacing isolation with supervision. It is permissible for the Minister to issue a regulation specifying what precautions, stipulated in the previous two articles, need to be used.

Article Thirty-Three:

It is permissible for the competent health body to forbid any of the individuals infected or suspected with an infectious disease as well as those who come in contact with, and the carriers for that disease, from working until it is proven that they are not infected. This action is obligatory for all workers employed in the sectors of manufacturing or preparation or transport of food and beverages. It is not permissible for anyone prevented from work to return back to his duty unless granted permission by the competent health body. The direct head or employer or the responsible director should be obliged to implement the halting order once notified.

Article Thirty-Four:

The competent health body should take the necessary samples from those infected or suspected of being infected with any contagious disease or those whom he come in

contact with and the carriers of the disease, and analyze them to ensure that they are free from the causes of the disease.

Chapter Four

Quarantine

Article Thirty-Five:

The Minister may impose quarantine in Palestine to prevent the spread of an epidemic to it by land, sea or air and to prevent its spread to other countries.

Article Thirty-Six:

The quarantine administration may medically inspect ships, airplanes and other public and private transportation means as well as the passengers.

Article Thirty-Seven:

It is permissible for the Minister to occasionally issue regulations to regulate the following matters:

1. Regulating the quarantine administration
2. Activities and obligations of the staff of the quarantine administration
3. Inspect, disinfect, and impound ships and individuals coming to Palestine and the passengers leaving it either by air or sea or land.
4. The manner by which leathers and other commercial products that may carry diseases from and to the area are imported or exported. This is to be done in coordination with the competent bodies.
5. The fees that need to be collected for the quarantine administration
6. The fines that ships should pay if they violated the quarantine regulations
7. Any other order stipulated by the international health agreements in force

Chapter Five

Health Hazards and Environmental Health

Article Thirty-Eight:

It is not permissible for any individual to manufacture or distribute or use or store or treat or dispose of any hazardous material or waste unless in accordance with the conditions and standards determined by the Ministry of Environmental Affairs and in coordination with the Ministry of Health and the Ministry of Local Government.

Article Thirty-Nine:

It is forbidden to use insecticides and pesticides for agricultural purposes or for public health, unless the conditions and limitations specified by the Ministry of Health and the Ministry of Agriculture in coordination with the Ministry of Environmental Affairs are considered to ensure environmental protection.

Article Forty:

It is not permissible for any individual to collect or keep or treat or re-use or dispose of wastewater and rainwater except in the manner specified by the competent body and in a way that does not bring harm to public health and the environment.

Article Forty-One:

It is forbidden for any individual to use wastewater for fertilization or irrigation of agricultural land before treatment. It is permissible to use it after treatment for irrigation purposes only in accordance with the bases and standards specified by the competent authority and provided that it does not produce health and environmental damages.

Article Forty-Two:

Every person shall be committed to protect the environment in all its elements by not causing any health hazards.

Article Forty-Three:

The following shall be regarded as health hazards:

1. Any real estate or part thereof established or used in a manner hazardous to public health.
2. Any waste or litter and any hole or canal, or inland waterway, or pool, or pond, or well, or latrine, or sewage dump, or garbage dump, or chimney, or stove, or anything of the sort that is unhygienic and unsanitary, or in a condition or in a place that might disturb public tranquility or produce harm to public health.
3. Any stable or shed in any place used to keep animals or birds in a manner that will bring or might bring harm to health and spread of bad odors, and any animal kept in a place, or in any manner that might bring harm to public health.
4. Any activity or material or thing or odor or noise or smoke or dust or litter or condition or place that might harm or that could harm public health or that could bring risks to others.
5. Any job or skill or profession that might bring harm or damages to the health of others or which are operated in a manner that could bring harm to the health of those working in it or close to it.
6. Disposal of litter or waste or wastewater or anything on the streets or pavements or sidewalks or public parks or open land that could bring harm to public health or to others.
7. Failure of a property owner or the tenant to keep clean the property he occupies as well as the cleanliness of the sidewalks in front of the property.
8. The slope or the disposal of the contents of cesspools or drainage pipes or drainage containers in the places not allocated for that purpose.
9. Emptying cesspools by surface or side outburst, or disposal thereof on the property or in any of the public sewage or rainwater drainage.

Article Forty-Four:

The Ministry shall coordinate with the Ministry of Environmental Affairs and with the Water Authority and with the local bodies and other relevant bodies to determine the specifications and standards of drinking water.

Chapter Six
Occupational Health

Article Forty-Five:

It is not permissible to license any establishment before obtaining the approval of the Ministry.

Article Forty-Six:

The Ministry shall coordinate with the relevant bodies in supervising and monitoring the establishment to ensure that the following health conditions are met:

1. The safety and professional and occupational health means.
2. The necessary precautions and measures for the provision of these means
3. To protect the staff of the establishments against bacterial or viral or fungal infections.
4. Chemical risks
5. Negative risks
6. Fire risks
7. Anticipated and probable risks
8. First aid

Article Forty-Seven:

The establishment shall be committed to provide the safety and professional health means in the workplace in a manner that will guard against the following physical risks:

1. Ventilation, heat and cold effects.
2. Noise and vibrations.
3. Lighting.
4. Radiation.
5. Turbulences in air pressure.
6. Electrical, static and dynamic risks.

Article Forty-Eight:

The establishment shall be committed to take measures against the risks of:

1. Dealing with infected animals and their products and waste.
2. Interacting with patients and the provision of care and medical tests and analysis.
3. Viral and bacterial and fungal infections and infections caused by parasites, in case the nature of the work of the establishment may expose individuals to conditions of these infections.
4. Fires.

Article Forty-Nine:

The establishment shall be committed to provide preventive measures against negative risks that could occur or the absence thereof could lead to the increase of that risk or danger, such as life saving, first aid, and cleanliness measures, and to ensure that all of its staff have medical certificates proving that they are free of infectious diseases or epidemics.

Article Fifty:

The establishment shall be committed to provide:

1. Sufficient and clean sanitary utilities with good lighting.

2. Drinking water suitable for human consumption.
3. One or more first aid boxes in accordance with the size and nature of the work of the establishment, to be posted in an appropriate and easily accessible place.
4. Special smoking areas to prevent smoking elsewhere.

Article Fifty-One:

The establishment shall be committed to provide preventive measures against chemical risks occurring from dealing with solid or liquid or gaseous materials with consideration to the following:

1. Not to expose individuals to chemical materials and cancer-causing materials in a manner exceeding the permitted level.
2. Not to exceed the permitted level of storing dangerous chemical materials.
3. Provide the necessary precautions to protect the establishment and the individuals when transporting and storing and handling and using hazardous chemical materials and the disposal of its waste.
4. To maintain a record of the hazardous chemical materials used in work, including the information specific to each material.
5. Posting cards identifying all used chemical materials identifying the scientific and commercial name as well as its chemical position, the degree of its risk, safety precautions and emergency measures.
6. To train the individuals on how to handle hazardous chemical materials.
7. Not to increase the concentration of hazardous soil and gas beyond the permitted level.

Chapter Seven
Health Education

Article Fifty-Two:

The Ministry shall contribute to posting and disseminating health instructions to make the citizens aware of the ways to maintain and improve public health.

Article Fifty-Three:

The Ministry shall contribute to direct the notion of health education to each profession through all recognized and acknowledged means including pamphlets, lectures, workshops, and conferences for the purpose of disseminating health awareness and education.

Article Fifty-Four:

The Minister shall determine, in a decision issued by him, the types of works, professions, and industries that could cause danger to public health.

Article Fifty-Five:

The Ministry shall contribute to the preparation of health, optical, and hearing programs intended to prepare society for comprehensive development in the mental, physical, dynamic, emotional, and ethical aspects.

Article Fifty-Six:

The Ministry shall contribute, in cooperation with relevant bodies, in disseminating awareness for the purpose of improving the mental, creative, and discerning capabilities in the fields of appropriate social and health upbringing in light of the values, principles and goals of society.

Article Fifty-Seven:

The Ministry shall contribute in coordination with the relevant bodies in the efforts at identifying the engineering, technical, and health specifications for educational institutions and establishments.

Chapter Eight

Food Safety

Article Fifty-Eight:

The Ministry, in coordination with the competent bodies, shall be responsible for the inspection of food inside the customs departments, and after their release, in addition to inspecting the locally produced foods, as well as the examination thereof in their places of storage, markets, commercial stores or establishments, and their means of transport, to ensure the implementation of the provisions of this law and the regulations issued according to it and to control violations.

Article Fifty-Nine:

It is forbidden to deal with foods in the following cases:

1. If they were in violation with the specified standards and specifications.
2. If they were not appropriate for human consumption, or hazardous to human health or spoiled.
3. If they were hampered with in a manner that changes their nature.

Article Sixty:

Foods shall be deemed spoiled or inappropriate for human consumption in the following cases:

1. If chemical or microbiological examination showed changes in its structure or natural characteristics with respect to taste or smell or shape.
2. If its expiry date stated on it, has elapsed.

3. If the foods or containers or packages contained insects or bugs or fungi or waste or animal secretions.
4. If they were prepared or stored in unhealthy conditions or methods.

Article Sixty-One:

Foods are harmful to human health in the following conditions:

1. If they were contaminated with radioactive materials or microbes or fungi or pesticides in a manner that would lead illnesses in humans.
2. If they contained poisonous material in excess to the limits determined by law.
3. If they were handled by an individual infected with an infectious disease or a carrier of its microbes.
4. If they were produced from an animal infected by an illness transferable to humans or from a dead animal.
5. If they were mixed with soils or residues in excess to the legally specified ratios or the purification thereof is impossible.
6. If they included prohibited materials, such as coloring or preservatives or other materials.
7. If their packaging or containers contain materials harmful to health.
8. If they contained hazardous chemical materials or heavy metals in excess to what is allowed.

Article Sixty-Two:

Places in which foods are handled and the packages, containers, transport means as well as the individuals involved in each of the handling processes, shall have the specifications and conditions issued by a decision from the Minister.

Article Sixty-Three:

It is forbidden to deal with special foods nor to advertise them before their registration and the attainment of a permit from the Ministry to deal and to market them.

Article Sixty-Four:

It is not permissible for the customs administration nor for any of the competent bodies to release imported food until the Ministry confirms their suitability for human consumption and for their fulfillment of standards and specifications, in addition to the fulfillment of other procedures determined by any other law.

Article Sixty-Five:

The Minister may demand the following from the factory or the importer of foodstuff, within a period he specifies:

1. Its chemical composition and structure.
2. Details about how they are used.
3. Any other information pertaining to public health.

It is permissible for the officials of the competent ministry to take a sample of these products for analysis and examination.

Article Sixty-Six:

It is permissible for the competent officials in the Ministry to temporarily seize food samples, referred to in this chapter, from their transport means, or stores, or establishments for examination by competent bodies.

Article Sixty-Seven:

At least three identical samples of each type of samples referred to above in the previous article, shall be taken and put in a container in which the following information shall be stated:

1. The date when the sample was taken.
2. The type and amount of the sample.
3. The name and address of the owner of the foodstuff.
4. The address of the store from which the sample was taken.
5. The name and signature of the official taking the sample.

Article Sixty-Eight:

The seizure of the samples shall be verified in a statement that includes the following information:

1. The date and time in which the statement was prepared.
2. The name of the owner of the goods from which the sample was taken, his title, profession, nationality, and place of residence.
3. The address of the store from which the sample was taken.
4. The amount of each sample.
5. The amount of the goods from which the sample was taken, and its approximate price.
6. The circumstances in which the samples were seized, trade mark information, the name of the foodstuff, and all other information that may assist in the identification of the samples and the food materials.
7. The signature of the author of the statement.

It is permissible for the concerned person or whomsoever he represents to state his views, and his views shall be included in the statement and he shall sign on them. In case of his refusal to sign, an indication to this effect shall be made.

Article Sixty-Nine:

The samples shall be analyzed and examined in the government laboratories or in laboratories determined by the Ministry. The concerned person shall be informed about the results within a period not exceeding ten days from the date the statement was written.

Article Seventy:

If the analysis and preliminary examination showed that the samples are hazardous to human health, or spoiled, or not suitable for human consumption, or tampered with, or do not fulfill the standards and specification requirements, in a manner that render them hazardous to human health, the Ministry shall take, in coordination with the competent bodies, all necessary measures to destroy the products from which the samples were taken.

Article Seventy-One:

It is not permissible to license any individual previously infected with, or carrier of, an infectious, or skin, or fungal, disease, or to anyone close to someone infected with an infectious disease, to work as a food or beverage vendor.

Article Seventy-Two:

It is not permissible for licensed food and beverage vendors to sell or display their products unless their goods are contained in clean, safe, and tight containers.

Chapter Nine

Hospitals, Clinics, and Health Centers

Article Seventy-Three:

It is permissible for the Minister to issue an order determining the number of hospitals, clinics, and health centers providing health services, including medical laboratories, in each area for the purpose of distributing them according to the requirements of public health.

Article Seventy-Four:

It is conditional that hospitals, clinics, and health centers, conform to the regulations and decisions, issued from time to time, regarding compliance with health standards, the availability of medical equipment, the number of rooms, and the type of work. It is permissible for the Ministry to conduct inspection of those places at any feasible time.

Article Seventy-Five:

Mental health patients shall be admitted to hospitals or to specialized wings, either on voluntary or obligatory basis. A patient may be obliged to go in for treatment if any of the following three conditions are met:

1. If it was vital to treat him in the hospital or in any of the specialized wings.
2. If his treatment is necessary to protect others from him.
3. If a court ruling was issued pursuant to medical evidence.

In cases 1 and 2, it is conditional that:

- a. The action is preceded by a request directed to the hospital director.
- b. A certificate to be issued by a specialized doctor confirming the content of the form submitted to him by the director.

Article Seventy-Six:

The hospital director or the treating physician may release a patient from hospital if his condition allows him to do that. If admission to hospital came by a court order, court approval is required for the patient's release.

With the exception of the case in paragraph three of the previous article, if the Minister is convinced that the reasons for the obligatory admitting of the patient to hospital are not available, he may order his release or to halt his entry.

Article Seventy-Seven:

The Minister, or whomsoever delegated by him, may inspect any hospital, or medical clinic, or health center to ensure their proper functioning.

Article Seventy-Eight:

If it became clear to the Minister that a hospital, or any of its sections, are not carrying their duties as expected, or if they no longer become adequate to exercise their functions, he shall submit a written notice to the person in charge of the hospital demanding the rectification of the problem within a period specified in the notice, provided that this period is not less than one month from the date of the notification, unless an exceptional reason necessitated immediate action to maintain public health.

In the last case, the Minister may decide to close the hospital or any of its sections and the hospital shall not be permitted to be reopened until the exceptional reason for the immediate closure are rectified, and only after the Minister decides that.

Article Seventy-Nine:

If the Minister was not convinced that the hazards referred to above in the previous article were not fully or partially removed during the specified period, he may resubmit the notification for a second time in which he states his desire to close the hospital, or part thereof, during a period that he specifies.

Article Eighty:

The official in charge of the hospital shall have the right to object against the decision of the Minister during sixty days from the date of notification. It is not permissible to close the hospital or any of its sections until the date specified in the notification has elapsed or

after a court ruling was issued in this respect provided the case was not an exceptional one. In any case the objection shall remain valid.

Article Eighty-One:

It is not permissible to establish or administer a remedial institution unless a permit was granted by the competent body in the Ministry.

Article Eighty-Two:

The remedial institution shall be furnished with all the health and medical conditions, specifications, and requirements set by the appropriate government body. It shall also be equipped with the equipment, tools, and machinery specified by the competent body within the Ministry, which are deemed essential for the proper inspection, examination and treatment of diseases.

Article Eighty-Three:

It is forbidden to utilize the remedial institution for anything other than for the purpose upon which the permit was granted, unless the competent body issued a written official approval. In case of a violation, it is permissible for the Minister to close this institution or withdraw its permit.

Article Eighty-Four:

Foods offered to patients in the remedial institution need to be healthy and of good quality, and special places need to be designated to store food in order to prevent it against rotting, dust, insects, and flies. The appropriate body shall determine what is necessary in this regard.

Article Eighty-Five:

All staff in the institution must be free from infectious or skin diseases and they must not be carrier of germs causing infectious diseases.

Article Eighty-Six:

It is permissible for the remedial institution to establish a private pharmacy attached to its premises. In this case, a certified pharmacist carrying a license to operate as such shall operate the pharmacy. It is not permissible for the pharmacy to sell medicine to the general public.

It is obligatory that a pharmacy exists in the institution if the number of beds exceeded twenty. If the number was below twenty, and no pharmacy was attached to the premises, medicine shall be dispensed from a public pharmacy provided that all prescriptions indicate the name and signature of the treating physician and that no codes or signs are agreed upon between the institution and the public pharmacy.

Article Eighty-Seven:

It is not permissible for the remedial institution to advertise about itself except in accordance with the approved professional basis and without infringing on the dignity of the profession.

Article Eighty-Eight:

It is a prerequisite for each remedial institution to prepare by-laws to regulate its work and its financial and administrative procedures, before commencing its services. These by-laws shall contain the name of the director of the institution, the names and specialization of physicians, nursing staff, as well as the administrative staff.

These by-laws shall not be valid until endorsed by the competent body. The institution shall keep a copy of the endorsed by-laws.

The institution shall comply with the stipulations of the by-laws and any amendments or changes thereof shall not be permitted unless approved by the competent body.

Article Eighty-Nine:

The remedial institution shall post a list, approved by the competent body, of the cost of treatment and accommodation in a noticeable place for viewing by all visitors. The institution shall comply with this list and shall not circumvent it under any condition.

Article Ninety:

The remedial institution shall provide the Ministry with regular reports and statistical information about its work.

Article Ninety-One:

The Minister shall have the right during emergency conditions to order to utilize any remedial institution, or any of its sections, for any purpose he deems necessary.

Chapter Ten

Medical and Auxiliary Professions

Article Ninety-Two:

It is not permissible for any individual to take any medical or health paraprofessional role nor to be involved in any related profession if he was not granted a permit by the Minister in accordance with the laws and regulations issued for that purpose.

Article Ninety-Three:

Without prejudice to the laws pertaining to physicians, pharmacists, dentists, or to any other legislation, it is not permissible to issue a permit to any individual to assume a medical or health paraprofessional function unless all conditions stipulated in the relevant laws are fulfilled.

Article Ninety-Four:

Any individual submitting a request for a permit to assume a medical or health paraprofessional function shall attach with his request the certificate or the validating documents enabling him to assume such a task. The certifying body shall verify the authenticity of these documents and shall verify the applicant is qualified to practice the requested functions.

Article Ninety-Five:

It is permissible for the Minister to withdraw any permit or license issued by him, or to prohibit work for a period determined by him, provided that he states in the halting order the reason or reasons for his decision as stipulated by the licensing regulations.

Article Ninety-Six:

1. In accordance with this Law, a committee entitled “the medical fees committee” shall be established with the responsibility to determine physician fees, the cost of medical services, including x-ray and laboratory costs, and the cost of hospital stay, but not the cost of medication.
2. The provisions stipulated in paragraph (1) of this article shall not apply to the official medical services and government hospitals.

Article Ninety-Seven:

1. The “medical fees committee” shall be composed as follows:
 - The Minister of Health or whomsoever delegated by him.Chairman
 - The head of the Physicians Syndicate.....Member
 - Three Ministry of Health physicians, appointed by the Minister of Health, each having at least ten years of experience.....Members
 - Three physicians from the Medical Association (Syndicate) appointed by its Council.....Members
2. When determining physician’s fees and the cost of dentistry services, the committee shall be formed as follows:
 - The Minister of Health or whomsoever delegated by him.Chairman
 - The head of the Dentists Syndicate.....Member
 - Three Ministry of Health dentists, appointed by the Minister of Health, each having at least five years of experience.....Members
 - Three dentists from the Dentists Association appointed by its Council.....Members
3. When determining the cost of laboratory services, the relevant committee shall include the head of the laboratories of the Ministry of Health and the director of a private laboratory appointed by the Minister of Health.

Article Ninety-Eight:

The Committee shall meet at the invitation of the Chairman and quorum shall be established with the presence of six of its members, including the Chairman. Decisions are made by consensus or by the majority of the attendants. In case of a hung vote, the side with the Chairman’s vote shall prevail.

Article Ninety-Nine:

1. The Minister shall announce the decision of the committee regarding costs and fees for medical services as well as for cost of hospital stay and shall be published in the Official Gazette.
2. The head of the medical association and the head of the Dentist's Association shall announce, each according to his capacity, the decision of the committee and shall be responsible for relaying it to the physicians and dentists.

Article One Hundred:

Physicians, dentists, and owners of the other medical professions shall comply with the committee's decision. It is not permissible for any of them to violate the decision and any violation shall be regarded as disciplinary violations that shall be referred to the competent disciplinary councils. In cases where such councils are non-existent for the respective association or profession, the violations shall be referred to a special committee appointed by the Minister. This committee shall rule, as it deems proper, against whomsoever is referred to it.

Article One Hundred and One:

It is permissible for the committee to re-evaluate the fees whenever necessary.

Chapter Eleven
Medications and Drugs

Article One Hundred and Two:

Medicine shall not be dispensed from any private or public hospital, pharmacy, or clinic, or from any other remedial institution without a prescription.

Article One Hundred and Three:

It is forbidden to trade in free drug samples or pharmaceutical products designated for promotional purposes, nor to sell them or to distribute expired drugs and medicine.

Article One Hundred and Four:

Pursuant to this Law, it is not permissible for anyone other than certified pharmacies to sell medicine or drugs, or to prepare them for medical use.

Article One Hundred and Five:

All medicine and drugs for sale shall be of good quality, safe, and free of cheating, and shall be registered with the Ministry of Health.

Article One Hundred and Six:

Drugs and medicine shall be deemed fraudulent in the following cases:

1. If they contained dirty or foiled, or disintegrated material.
2. If they were prepared, or stored, or packaged, or wrapped, or manufactured improperly or under unhealthy conditions that could render them harmful to health or if they are polluted.
3. If the container was partially or fully made from poisonous or hazardous material which could lead its contents to be hazardous to health.
4. If they were mentioned in any of the official medical charters but their composition and specifications regarding strength, purity, or quality are below the standard specified by these charters.
5. If any material was added to it or mixed with it in a manner that would reduce its curative strength and quality.
6. If laboratory examination has proven that it does not conform to the necessary requirements that pertain to contents and the ratios of these contents.

7. If its color or taste have changed during the validity period specified by the manufacturer.

Article One Hundred and Seven:

In fulfillment to the purposes and objectives of this Law, the name of the medical charter, according to which the drug was manufactured, shall be stated on the label.

Article One Hundred and Eight:

A medical drug shall be deemed faultily prescribed in the following cases:

1. If the label was misleading, or improper under all circumstances or if the label failed to state:
 - a. The name and place of the manufacturer and distributor, and packager.
 - b. If the information about the content: weight, size, and quantity, are improper.
2. If any word, or sentence, or other information required by this Law were not readable or clear to the normal person.
3. If it was prepared for human use but contained narcotic or sedative or tranquilizing material or any other chemical substance that could lead to addiction and dependence, unless the name and percentage of this material or derivative are stated on the label and provided that the label contains the following statement (Caution- This could lead to dependence).
4. If it was not given a recognized name by an official medical charter and its label did not include the following:
 - a. The common or generic name, if available, or
 - b. If it is composed of two or more materials and the essential substance of each material and its type and quantity are not stated.
5. If the label did not contain:
 - a. Sufficient information about its usage, and

- b. Sufficient warning about its possible side-effects for specific illnesses, or about dosage for children, and the amount of dosage and the period of taking the medication.
- 6. If it suggested that it is a recognized medicine by an official medical charter but was not packed nor labeled as required by that charter.
- 7. If the drug deteriorates over time and the label failed to state that fact.
- 8. If:
 - a. It was packed in a deceptive container whether in terms of its color, its form or its packaging, or
 - b. If the medication was an imitation of another, but its label did not indicate to that, or
 - c. If it was put on the market under the name of a different drug.

Article One Hundred and Nine:

Any medication prepared or manufactured in a pharmacy pursuant to a medical prescription or otherwise shall conform to the specifications stipulated in the drug charter recognized by the Ministry.

Chapter Twelve

Burial of the Deceased

Article One Hundred and Ten:

Without prejudice to the provisions pertaining to birth and death stipulated in the Personal Status Law or in any other legislation, it is not permissible to bury the deceased except in places designated for burial in accordance with decisions and pamphlets issued in this regard.

Article One Hundred and Eleven:

It is permissible for the Council of Ministers, on technical or health grounds presented by the Minister of Health, to prohibit the establishment of a cemetery in any place in any city or village or town, and it may stop the burial in any place not designated for this purpose..

Article One Hundred and Twelve:

It is not permissible to open any grave to pull out or transport any body from it without the permission of the competent physician or an order from the attorney general for the purposes of investigation and crime discovery.

Article One Hundred and Thirteen:

It is permissible for the competent physician or for any other official delegated by the Minister to take the necessary arrangements to prevent the spread of an epidemic prior to the burial of the deceased.

Article One Hundred and Fourteen:

It is permissible to designate one or more rooms in a hospital for the deceased to lay in before burial and it is also permissible for the competent bodies to perform an autopsy in this room if necessary.

Article One Hundred and Fifteen:

The Minister of Health is entitled to promulgate special decisions for the transport and burial of the deceased from one place to another in Palestine or from and to Palestine and abroad.

Chapter Thirteen

Penalties

Article One Hundred and Sixteen:

Without prejudice to any harsher penalty stipulated in the Penal Law or in any other law, anyone violating any of the provisions of this law shall be imprisoned for a period not exceeding one year and the fine not exceeding 500 Dinars or either of them.

Article One Hundred and Seventeen:

Imprisonment shall be obligatory if the violation caused loss of life or substantial damages to property. The penalty shall be doubled in case of repetition.

Article One Hundred and Eighteen:

Any person intentionally hiding someone infected with a dangerous epidemic or someone who was susceptible to that disease, or if he refrained to execute a request mentioned in this law shall be regarded to have committed a crime and shall be imprisoned up to two years and shall be fined up to 1000 Dinars or either of these penalties.

Article One Hundred and Nineteen:

Without prejudice to the provisions of the Penal Law, any person who has intentionally communicated a disease to another, and any physician or official designated to perform vaccination or immunization who has failed to perform his duty or has caused a disease to be communicated to another shall be regarded as if he committed a crime punishable by up to six months imprisonment and a fine of up to 300 Dinars or either one of them.

Article One Hundred and Twenty:

Any individual who has caused or is responsible for causing a health menace shall be regarded as if he has committed a crime punishable for not more than six months imprisonment and a fine of up to three hundred Dinars, or either one of the two, in addition to compelling him to remove the health menace. The competent court is empowered to shut his store. If the health menace is deemed hazardous, the Minister or the competent physician may order the closure of the shop pending a court ruling in this regard.

Article One Hundred and Twenty One:

Any individual violating the quarantine order shall be imprisoned for a period up to one month and shall be fined up to one hundred Dinars or either one of the two penalties.

Chapter Fourteen
Concluding Provisions

Article One Hundred and Twenty Two:

The current activities of the medical committees (Medical Commission) shall remain in the Palestinian lands pursuant to the provisions promulgated for their regulation and their jurisdiction, unless a decision is issued by the Minister regarding their restructuring, jurisdiction and their by-laws.

Article One Hundred and Twenty Three:

Ministry's officials designated by a Ministerial decision shall be considered as investigation officers empowered to investigate and verify crimes committed in violation to the provisions of this Law, as well as to its resolutions and announcements issued for its execution.

Article One Hundred and Twenty Four:

Those entitled to carry out inspection are entitled to enter into any medical or healing institution, or pharmacy, or to any other place suspected of storing drugs or medication for inspection and investigation as well as to carry out any other functions for investigative purposes, including taking samples for testing and analysis, provided that a record of the taken sample is made to ensure compliance with the provisions of this Law.

Article One Hundred and Twenty Five:

Owners of medical and remedial institutions and pharmacies and owners of other places in which medication is available, are obliged to give all assistance required for the inspector, and they shall show him all books and records and shall refrain from obstructing the fulfillment of his duties stipulated in the previous article.

Article One Hundred and Twenty Six:

The Minister shall be entitled to issue pertinent decisions for the implementation of the provisions of this Law, including the following:

1. Impose and levy fees.
2. Explain the requirements and conditions that need to be available when the Law imposes licensing requirements, or permits, or authorizations for starting any profession or business.
3. To form and regulate medical and other committees or councils, the formation of which is deemed necessary. The functions and the manner of their administration and the implementation of their duties shall be clarified.
4. Obtaining blood, the way it is used and preserved.

Article One Hundred and Twenty Seven:

The following laws and their amendments shall be repealed. The schedules and regulations issued pursuant to these laws shall be regarded as if issued pursuant to this law unless otherwise contradictory to it and until they are replaced by other regulations and announcements:

1. Public Health Law Number 40 for the Year 1940 in force in the Gaza Strip districts.
2. Public Health Law Number 43 for the Year 1966 in force in the West Bank districts.

Any stipulations in contravention with the provision of this law shall be repealed.

Article One Hundred and Twenty Eight:

All relevant and competent bodies, each according to its jurisdiction, shall execute and implement the provisions of this law, which shall come to force thirty days after its publication in the Official Gazette.

Issued in Gaza City on / /2000
/ /1420 Hegira

Yasser Arafat

Chairman of the Executive Committee of the Palestine Liberation Organization
President of the Palestinian National Authority

